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RK West, Inc.

8
9 **UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11

12 RK West, Inc., a California
13 corporation d/b/a Malibu Wholesale,
14 individually and on Behalf of all
Others Similarly Situated,

15 Plaintiff,

16 vs.

17 GOOGLE, INC., a Delaware
Corporation; and DOES 1 through 10,
18 inclusive,

19 Defendants.
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CASE NO. CV 08-03452

**DECLINATION TO PROCEED
BEFORE A MAGISTRATE
JUDGE**

AND

**REQUEST FOR REASSIGNMENT
TO A UNITED STATES
DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE

Pursuant to Civil Local Rule 73-1, the undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

DATED: July 18, 2008

KABATECK BROWN KELLNER

By: 

Brian S. Kabateck

Richard L. Kellner

Alfredo Torrijos

Attorneys for Plaintiff and the class

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CERTIFICATION OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 644 South Figueroa Street, Los Angeles, CA 90017.

On July 18, 2008, I served the foregoing document described as:
Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge on the following individuals:

CSC – LAWYERS INCORPORATING SERVICE
2730 Gateway Oaks Dr., Ste 100
Sacramento, CA 95833

☒ **VIA U.S. MAIL** - I placed a true copy of the foregoing document(s) in a sealed envelope addressed as indicated above on the above listed date for collection and mailing with the United States Postal Service. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service: it is deposited with the United States Postal Service on that same day for first class delivery, postage fully prepared.

☐ **VIA FACSIMILE TRANSMISSION** - From facsimile machine, telephone number (213) 217-5010, I served a full and complete copy of the foregoing document(s) on the above listed date by facsimile transmission to each person(s) at the number(s) indicated.

☐ **BY PERSONAL SERVICE** - I placed a true copy of the foregoing document(s) in a sealed envelope addressed to each person(s) named above at the address(es) listed above and giving same to a messenger for personal delivery before 5:00 p.m. on the above listed date.

☐ **BY OVERNIGHT SERVICE** - I placed a true copy of the foregoing document(s) in a sealed envelope addressed to each person(s) named above at the address(es) listed above. I am readily familiar with this firm's practice for collection and processing of correspondence for delivery via overnight service. Pursuant to that practice, envelopes placed for collection at designated locations during designated hours are delivered to an overnight service carrier with a completed invoice, under which all delivery charges are paid by this firm.

☒ (FEDERAL) I declare under penalty of perjury that the foregoing document(s) were printed on recycled paper and that this Certification of Service was executed by me on July 18, 2008, at Los Angeles, California.


Irma DeLeon